

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DIPAK DESAI, M.D.,)
)
 Defendant.)
 _____)

CASE NO: 2:11-CR-166-LRH-CWH

**DEFENDANT DIPAK DESAI'S WAIVER OF TEMPORARY RIGHT TO
CUSTODY UNDER THE INTERSTATE AGREEMENT ON DETAINERS ACT
AND ORDER APPROVING WAIVER**

I, Richard A. Wright, represent Defendant Dipak Desai in the instant case. Pursuant to Local Rule IA 10-7 and Nevada Rules of Professional Conduct, Rule 1.14, I reasonably believe that Desai suffers from a diminished capacity and he cannot adequately act in his own best interest. Accordingly, I am ethically responsible to act on his behalf to protect his interests.

On behalf of my client, I acknowledge Desai's rights provided by the Interstate Agreement on Detainers Act. Desai is currently a prisoner serving a sentence in the custody of the Nevada Department of Corrections. Under the "anti-shuttling" provision of the Interstate Agreement on

1 Detainers Act, 18 U.S.C. app. 2, Art. IV(e), Desai is entitled to temporary custody in the federal
2 system while the prosecution of the instant case proceeds. Further, the “anti-shuttling” provision
3 requires that the federal government retain temporary custody of Desai until the conclusion of the
4 instant case.
5


6 Acting on behalf of my client and in his best interest, I waive the afore-mentioned rights to
7 temporary federal custody throughout the duration of the prosecution of the instant case. Instead,
8 I invoke Desai’s right to be transferred into temporary federal custody for the purpose of undergoing
9 a competency evaluation and to attend hearings as ordered by this Court. Upon the completion of
10 the competency evaluation and any such hearings, I further invoke his right to return to the custody
11 of the Nevada Department of Corrections to await the conclusion of the instant case in state custody.
12

13 DATED this 14th day of April 2014.
14

15 /s/
16 RICHARD A. WRIGHT
17 Counsel for DIPAK DESAI

18 **IT IS HEREBY ORDERED**, upon good cause shown, that the foregoing Waiver of Temporary
19 Right to Custody under the Interstate Agreement on Detainers Act is **APPROVED**.
20

21 DATED this 15th day of April, 2014.
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23 
24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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